

From the INTERNATIONAL BUREAU

PCT**NOTIFICATION CONCERNING
TRANSMITTAL OF COPY OF INTERNATIONAL
PRELIMINARY REPORT ON PATENTABILITY
(CHAPTER I OF THE PATENT COOPERATION
TREATY)**

(PCT Rule 44bis.1(c))

To:

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ETATS-UNIS D'AMERIQUE

Date of mailing (<i>day/month/year</i>) 18 September 2008 (18.09.2008)		
Applicant's or agent's file reference 0057-014P2PCT		IMPORTANT NOTICE
International application No. PCT/US2007/004029	International filing date (<i>day/month/year</i>) 16 February 2007 (16.02.2007)	
		Priority date (<i>day/month/year</i>) 16 February 2006 (16.02.2006)
Applicant VNS PORTFOLIO LLC et al		

The International Bureau transmits herewith a copy of the international preliminary report on patentability (Chapter I of the Patent Cooperation Treaty)

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer Yolaine Cussac
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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 0057-014P2PCT	FOR FURTHER ACTION	See item 4 below
International application No. PCT/US2007/004029	International filing date (<i>day/month/year</i>) 16 February 2007 (16.02.2007)	Priority date (<i>day/month/year</i>) 16 February 2006 (16.02.2006)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant VNS PORTFOLIO LLC		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).
2. This REPORT consists of a total of 6 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Box No. I | Basis of the report |
| <input type="checkbox"/> Box No. II | Priority |
| <input type="checkbox"/> Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> Box No. VI | Certain documents cited |
| <input type="checkbox"/> Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> Box No. VIII | Certain observations on the international application |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Date of issuance of this report 09 September 2008 (09.09.2008)
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PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
LARRY E. HENNEMAN, JR.
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PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing
(day/month/year)

25 AUG 2008

Applicant's or agent's file reference

0057-014P2PCT

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/US07/04029

International filing date (day/month/year)

16 February 2007 (16.02.2007)

Priority date (day/month/year)

16 February 2006 (16.02.2006)

International Patent Classification (IPC) or both national classification and IPC

IPC: G06F 7/38(2006.01)

USPC: 712/241

Applicant

TECHNOLOGY PROPERTIES LIMITED

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/US

Mail Stop PCT, Attn: ISA/US

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Facsimile No. (571) 273-3201

Date of completion of this opinion

22 August 2008 (22.08.2008)

Authorized officer

TERI LUU

Telephone No. 571-272-3600

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US07/04029

Box No. 1 Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of:

- ☒ the international application in the language in which it was filed
- ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. ☐ This opinion has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing
- ☐ table(s) related to the sequence listing

b. format of material

- ☐ on paper
- ☐ in electronic form

c. time of filing/furnishing

- ☐ contained in the international application as filed.
- ☐ filed together with the international application in electronic form.
- ☐ furnished subsequently to this Authority for the purposes of search.

4. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

5. Additional comments:

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITYInternational application No.
PCT/US07/04029**Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N)

Claims 1-24 YESClaims NONE NO

Inventive step (IS)

Claims NONE YESClaims 1-24 NO

Industrial applicability (IA)

Claims 1-24 YESClaims NONE NO**2. Citations and explanations:**

Please See Continuation Sheet

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/US07/04029

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

V. 2. Citations and Explanations:

Claims 1-2 lack an inventive step under PCT Article 33(3) as being obvious over Tran (US Patent No. 5,752,259, herein Tran) in view of Uehara (US 2004/0003219, herein Uehara).

Regarding claim 1, Tran teaches: 1. In a computer (FIG. 1), an improvement comprising: a plurality of instructions that are read generally simultaneously (C. 3, L. 22-51); Tran does not specifically teach: wherein said plurality of instructions is repeated a quantity of iterations as indicated by a number on a stack. However, Uehara, in an analogous art, does (FIG. 1, FIG. 9) in order to allow multiple loop counters to be stored in the event of nested loops (FIG. 6). All of the component parts are known in Tran and Uehara. The only difference is the combination of the old elements into a single device by using a stack to store the loop count. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Uehara into the teaching of Tran to achieve a predictable result.

Regarding claim 2, the rejection of claim 1 is incorporated and further Tran/Uehara teaches: the number on the stack is decremented after each iteration (Uehara, FIG. 9, S4).

Claims 3-11 and 13-24 lack an inventive step under PCT Article 33(3) as being obvious over Tran et al. (US 2007/0113058, herein Tran) in view of Uehara (US 2004/0003219, herein Uehara) as applied to claims 1-2 above, and further in view of VBScript Looping Statements (VBScript School on 7/11/2000, herein VBScript).

Regarding claim 3, the rejection of claim 1 is incorporated but Tran/Uehara does not specifically teach: a last instruction in said plurality of instructions is a NEXT instruction. However, VBScript, in an analogous art, does (pp 2, "For... Next" Note: The last instruction of the loop is a Next instruction) for the purpose of changing the count value (pp 2-3 Note: The change of the Next instruction, can be specified by the scale value. In order to decrement the stack in conjunction with the teachings of Uehara the scale would be set to -1).

All of the component parts are known in Tran/Uehara and VBScript. The only difference is the combination of the old elements into a single device by using a Next instruction to denote the end of the loop. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of VBScript into the teaching of Tran/Uehara to achieve a predictable result.

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US07/04029

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Regarding claim 4, the rejection of claim 3 is incorporated and further Tran/Uehara NBScript teaches: the NEXT instruction causes the number on the stack to change and further causes operation of the computer to continue at a first instruction in said plurality of instructions until the number on the stack reaches a predetermined value (VBScript, pp 2-3).

Regarding claim 5, the rejection of claim 1 is incorporated and further Tran/Uehara NBScript teaches: when a NEXT instruction is the last instruction in said plurality of instructions then the computer will continue operation at the first instruction in said plurality of instructions until the number on the stack reaches a predetermined value (VBScript, pp 2-3; Uehara, FIG. 9).

Regarding claim 6, the rejection of claim 5 is incorporated and further Tran/Uehara NBScript teaches: the predetermined value is zero (Uehara, FIG. 9).

Regarding claim 7, the rejection of claim 1 is incorporated and further Tran/Uehara NBScript teaches: a FOR instruction preceding said plurality of instructions (VBScript, pp 2-3; Tran, C. 3, L. 22-51).

Regarding claim 8, the rejection of claim 7 is incorporated and further Tran/Uehara NBScript teaches: said FOR instruction causes the number to be placed on the stack (VBScript, pp 2-3; Uehara, FIG. 9).

Regarding claim 9, the rejection of claim 7 is incorporated and further Tran/Uehara NBScript teaches: said FOR instruction is in a group of instructions immediately preceding said plurality of instructions (VBScript, pp 2-3).

Regarding claims 10 and 13-15, these claims contain the same limitations as claims 1, 3-4, and 7-8 and are rejected for the same reasons set forth in connection with the rejections of claims 1, 3-4, and 7-8.

Regarding claim 11, the rejection of claim 10 is incorporated and further Tran/Uehara NBScript teaches: said group of instructions includes four instructions (Tran, C. 3, L. 22-51, Note: While Tran does not specifically disclose 4 instructions, the system of Tran could execute a loop with 4 instructions. The amount of instructions that the system executes is not patentably distinct. See MPEP 2144.04 Section IV).

Regarding claim 16, the rejection of claim 10 is incorporated and further Tran/Uehara NBScript teaches: A computer readable medium having code embodied therein for causing an electronic device to perform the steps of Claim 10 (Uehara, FIG. 6, Abstract).

Regarding claims 17 and 20-24, these claims contain the same limitations as claims 1, 2, 4, 8, and 16 and are rejected for the same reasons set forth in connection with the rejections of claims 1, 2, 4, 8, and 16.

Regarding claim 18, the rejection of claim 17 is incorporated and further Tran/Uehara NBScript teaches: fetching another group of instructions; and continuing with the first instruction in said another group of instructions (Tran, C. 3, L. 22-51).

Regarding claim 19, the rejection of claim 17 is incorporated and further Tran/Uehara NBScript teaches: in step (b) the group of instructions is fetched into an instruction register; and in step (c) the instructions are executed from the instruction register (Tran, C. 3, L. 22-51, FIG. 1).

Claim 12 lacks an inventive step under PCT Article 33(3) as being obvious over Tran/Uehara NBScript as applied to claims 3-11 and 13-24 above, and further in view of Official Notice.

Regarding claim 12, the rejection of claim 10 is incorporated but Tran/Uehara NBScript does not specifically teach: at least one of the instructions in said group of instructions is a NO-OP instruction, wherein the NO-OP instruction is a place holder that the computer will skip over without executing. However, Examiner takes official notice that No-Op instructions are well known in the art. Several computer instruction sets include a specific instruction for a No-Op, such as the x86 line from Intel TM. The purpose of the No-Op instruction, also well known, is to do nothing at all besides wasting clock cycles in the CPU.

All of the component parts are known in Tran/Uehara NBScript and common knowledge in the art. The only difference is the combination of the old elements into a single device by using a stack to store the loop count. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a No-Op instruction into the teaching of Tran/Uehara NBScript to achieve a predictable result.

Claims 1-24 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest the claimed invention.

Claims 1-24 meet the criteria set out in PCT Article 33(4), and thus has industrial applicability because the subject matter claimed can be made or used in industry.